

1771

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Toshio Kobayashi et al. )  
Serial No. 09/220,223 ) Group: 1771  
Filed: December 23, 1999 )  
Title: NONWOVEN FABRIC AND METHOD FOR ) Examiner: E. Cole  
MAKING SAME )

4/7  
7-28-00  
JMC

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Official Action mailed June 21, 2000 in connection with the  
above-identified application, Applicants submit the following:

In the Official Action the Examiner has taken the position that the application  
contains claims directed to two patently distinct inventions.

The Examiner has identified the inventions as including claims 1-3 (Group I)  
drawn to a nonwoven fabric and claims 4 and 5 (Group II) drawn to a method of making  
nonwoven fabric.

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The Examiner stated basis as to why the inventions are considered patently distinct  
is because the nonwoven fabric in claims 1-3 could be made by a different process than that  
set forth in claims 4 and 5.

In paragraph 4 on page 2 of the official action the Examiner has advised  
Applicants that a complete response to the restriction requirement must include an election of  
an invention to be examined in the present application even though the restriction requirement  
may be traversed.

Responsive to the restriction requirement, Applicants respectfully traverse the Examiner's position because the Examiner's position is based upon an allegation that the nonwoven fabric of claims 1-3 could be made by forming a nonwoven fabric, depositing pulp fibers on the nonwoven fabric and needling to mix the two fibers.

Absent a specific teaching that supports the Examiner's allegation, Applicants are not in a position to determine whether such needling of the two fabrics is in fact distinct from the use of high velocity water jets according to the process of claims 4 and 5.

Accordingly, Applicants traverse the restriction requirement and request that the Examiner rely upon a prior art teaching to support the position that the nonwoven fabric of claims 1-3 can be made by a different process than that recited in claims 4 and 5, so that Applicants may be in a position to more clearly consider the Examiner's basis for a restriction requirement.

Notwithstanding Applicants traverse of the restriction requirement, Applicants acknowledge that in order to be fully responsive to the restriction requirement they are obligated to elect a group of claims from the restriction requirement to be examined in the present application.


Accordingly, in order to be fully responsive to the restriction requirement, Applicants hereby elect to have claims 1-3 (Group I) examined in the present application. This election is made with traverse.

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In the event the Applicant has overlooked the need for an extension of time or payment of fee the Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS. If any question concerning this application should arise, the Examiner is invited to telephone the undersigned at 219/424-8000.

Respectfully submitted,

  
Michael S. Gzybowski  
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Enc. Return postcard

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231, ON:  
July 18, 2000

Michael S. Gzybowski, Reg. No. 32,816  
NAME OF REGISTERED REPRESENTATIVE

  
SIGNATURE

July 18, 2000

DATE